

unbroken packages at Norfolk, Va., alleging that the product had been shipped on January 4, 1911, by Wood & Selick, New York, N. Y., and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Connecticut Pie Co. Norfolk, Va.—P. A. 1257 N. EE 76."

Adulteration of the product was alleged in the libel for the reason that it was sold to the consignee as pure dried milk, when, in truth and in fact, it was not pure dried milk, but a skimmed milk powder, a valuable constituent, namely, cream, being wholly abstracted therefrom. Misbranding of the product was alleged for the reason that it was an imitation of and was offered for sale under the name of another article, that is to say, it was offered for sale as "pure dried milk," when, as a matter of fact, the product was made from skimmed milk.

On November 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3281. Adulteration and misbranding of so-called olive or cottonseed oil.

U. S. v. Vincenzo Marrone and Rocco Lofaro. Plea of guilty.

Fine, \$100. (F. & D. No. 2646. I. S. No. 2272-c.)

On February 20, 1912, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincenzo Marrone and Rocco Lofaro, Utica, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 3, 1910, from the State of New York into the State of Missouri, of a quantity of so-called olive oil or cottonseed oil which was adulterated and misbranded. The product was labeled: "Olio Puro Sopraffino Rafaele D'Angeli Lucca, Italy," "Cotton Seed Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of neither olive oil nor cottonseed oil. Adulteration of the product was alleged in the information for the reason that said words upon said label of food represented it to be pure olive oil or cottonseed oil, whereas, in truth and in fact, some other substance had been wholly or in part substituted for the said article of food as it was represented to be. Misbranding of the product was alleged for the reason that, whereas by the words written or printed upon said labels, attached to the cans, the said article of food was represented by defendants to be a product of foreign manufacture, in truth and in fact, the said article of food was not an article of foreign manufacture but was a product of local manufacture and was made and manufactured within the United States, and the said label by means of said misrepresentation was calculated and intended by the defendants to deceive and mislead the purchasers thereof. Misbranding was alleged for the further reason that, whereas by the said printed label the defendants represented the food to be pure olive oil or cottonseed oil, so-called, in truth and in fact, the said statement upon said label was false, fraudulent, and misleading, in that said article of food contained in the cans was not pure olive oil or cottonseed oil but was, in truth and in fact, an imitation thereof and consisted wholly or in part of corn or sunflower seed [oil (?)], and said label was false, misleading, and deceptive.

On April 3, 1912, pleas of guilty were entered by defendants, and the court imposed a fine of \$100.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3282. Adulteration and misbranding of tomato catsup. U. S. v. The Schorndorfer & Eberhard Co. Plea of nolo contendere. Fine, \$20. (F. & D. No. 2710. I. S. No. 3777-c.)

On October 4, 1911, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Schorndorfer & Eberhard Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 3, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of tomato catsup, which was adulterated and misbranded. The product was labeled: "Famous Brand Tomato Catsup 1/10 of 1% Benzoate of Soda. Prepared by The Schorndorfer & Eberhard Co. Cleveland, O."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed yeasts and spores, 185 per 1/60 cm; bacteria, 100,000,000 per cc; mold filaments in 60 per cent of the fields; sodium benzoate, 0.18 per cent; no evidence of active spoilage when opened; it contained 2 molds in 1 cc of the catsup when developed on wort or dextrose agar. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed substance. Misbranding was alleged for the reason that the label upon the article as above set forth was false and misleading and calculated to deceive the purchaser, in that said label stated that the article contained one-tenth of one per cent benzoate of soda, when in fact it contained more than one-tenth of one per cent benzoate of soda.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3283. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 2721. I. S. No. 10472-c.)

On August 13, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 9, 1910, from the State of Tennessee into the State of Kentucky, of a quantity of cider which was adulterated and misbranded. The product was labeled: "Apple Base Cider. Guaranteed. The contents of this package as originally filled are guaranteed to be made from apples fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added) Flavored with artificial flavoring; colored with vegetable color and contains 1/10 of 1% Benzoate of Soda. Sweetened with artificial sweetening matter, and conforms to the provisions of the Food and Drugs Act as passed by Congress of June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn." "Apple Base Cider. Guarantee. Made from apples fortified with sugar. Flavored with artificial